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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MUTUAL PHARMACEUTICAL COMPANY,
INC., et al.,

Plaintiffs,

v.

WATSON PHARMACEUTICALS, INC., et
al.,

Defendants.

WEST-WARD PHARMACEUTICAL CORP.,

Counterclaimant,

v.

MUTUAL PHARMACEUTICAL COMPANY,
INC., et al.,

Counterdefendants.

Civil Action No. 09-5421(GEB)(TJB)

**PLAINTIFFS' NOTICE OF
MOTION TO DISMISS WEST-
WARD'S FIRST AMENDED
COUNTERCLAIM**

Judge: Hon. Garrett E. Brown
Date: April 19, 2010
Time: 10:00 a.m.
Dept: 4E

PLEASE TAKE NOTICE that at 10:00 a.m. on April 19, 2010, or as soon thereafter as counsel may be heard, in the courtroom of the Honorable Garrett E. Brown, located at 402 East State Street Room 2020, Trenton, New Jersey 08608, plaintiffs and counterdefendants Mutual Pharmaceutical Company, Inc., AR Scientific, Inc. and AR Holding Company, Inc. (collectively, “Mutual”) will and hereby do move for an Order:

1. Dismissing defendant and counterclaimant West-Ward Pharmaceutical Corp.’s (“West-Ward”) counterclaim for tortious interference with contractual relations for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6);

2. Dismissing West-Ward’s counterclaim for tortious interference with prospective economic advantage for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6);

3. Dismissing West-Ward’s counterclaim for false advertising under Section 43(a) of the Lanham Act for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6);

4. Dismissing West-Ward’s counterclaim for unfair competition under Section 43(a) of the Lanham Act for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6); and

5. Dismissing West-Ward’s counterclaim for common law unfair competition for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6).

This Motion is based on this Notice of Motion; the accompanying Memorandum; the Declaration of Nathaniel R. Cooper and exhibits thereto; the complete files and records in the action; evidence or testimony presented at the hearing on this Motion; and upon such other evidence the Court may consider.

Respectfully submitted,

Dated: March 15, 2010

PODVEY MEANOR CATENACCI HILDNER

COCOZIELLO & CHATTMAN, P.C.

\s\ Gregory D. Miller

Gregory D. Miller

Attorneys for Plaintiffs

Mutual Pharmaceutical Company, Inc., AR
Scientific Company, Inc., and AR Holding
Company, Inc.